

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lamont Garner Karriem,

Plaintiff

v.

Cellco Partnership Inc., d/b/a Verizon
Wireless, Inc.,

Defendant

Case No.: 2:20-cv-00884-JAD-VCF

**Order Overruling Objections to Magistrate
Judge's Order and Referring Case to
Magistrate Judge for Screening**

[ECF No. 6]

Pro se plaintiff Lamont Garner Karriem sues Cellco Partnership, Inc. for allegedly sharing his private data with law enforcement, which led to his arrest in 2018.¹ Magistrate Judge Cam Ferenbach reviewed Karriem's complaint and dismissed it without prejudice pending the outcome of any state-court criminal proceeding about the matter.² Karriem now objects to the magistrate judge's finding, arguing that because there is no pending proceeding, *Younger v. Harris* does not bar his lawsuit.³ Because Karriem filed an amended complaint that addresses the magistrate judge's concerns, I overrule his objections as moot and refer this case back to the magistrate judge to screen the amended complaint.

When a party objects to a magistrate judge's recommendations on a dispositive issue, the district court must review the challenged findings and recommendations de novo.⁴ Upon review,

¹ ECF No. 5 (complaint).

² ECF No. 4.

³ ECF No. 6 (objection).

⁴ 28 U.S.C. § 636(b)(1)(C).

1 “the district judge may affirm, reverse, or modify, in whole or in part” the report and
 2 recommendations or may “recommit the matter to the magistrate judge with instructions.”⁵

3 When Judge Ferenbach dismissed Karriem’s complaint earlier this year, he did so
 4 because it appeared that a state-court proceeding was pending, so any related action was barred
 5 by *Younger v. Harris*.⁶ Karriem was given leave to amend his complaint after the state-court
 6 proceeding was complete, at which point the court would screen his complaint again.⁷ Karriem
 7 now objects to the application of *Younger* to this matter because he maintains that there is no
 8 pending state-court case against him.⁸ In the time since Karriem filed his objection, he also filed
 9 an amended complaint, addressing the magistrate judge’s concerns.⁹ His amended complaint
 10 states that “there is no pending state criminal prosecution nor was there ever.”¹⁰ So because
 11 Karriem’s amended complaint resolves these concerns, I overrule his objections as moot and I
 12 refer this matter back to the magistrate judge to screen Karriem’s amended complaint.

13 IT IS THEREFORE ORDERED that Karriem’s objection to the magistrate judge’s order
 14 [ECF No. 6] is **OVERRULED as moot**. This case is **REFERRED** to the magistrate judge to
 15 screen Karriem’s amended complaint.

16 
 17 U.S. District Judge Jennifer A. Dorsey
 18 October 20, 2020
 19

20 ⁵ *Id.* § 636(b)(1); L.R. IB 3-2(b).

21 ⁶ ECF No. 4 at 3.

22 ⁷ *Id.*

23 ⁸ ECF No. 6 at 5.

⁹ *See* ECF Nos. 6, 11 (amended complaint).

¹⁰ ECF No. 11 at 2.